the 6-month period described in subparagraph (A)(ii), the unit of general local government shall dispose of the multifamily housing project or other residential property on a negotiated, competitive bid, or other basis, on such terms as the unit of general local government deems appropriate.

(c) EXEMPTION FROM PROPERTY DISPOSITION REQUIREMENTS.—No provision of the Multifamily Housing Property Disposition Reform Act of 1994, or any amendment made by that Act, shall apply to the disposition of property in accordance with this section.

(d) TENANT LEASES.—This section shall not affect the terms or the enforceability of any contract or lease entered into before the date of enactment of this Act.

(e) PROCEDURES.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish, by rule, regulation, or order, such procedures as may be necessary to carry out this section.

MCCAIN (AND ROCKEFELLER) AMENDMENT NO. 3059

(Ordered to lie on the table.)

Mr. MCCAIN (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill, S. 2168, supra; as follows:

On page 93, between lines 18 and 19, insert the following:

SEC. 423. Effective as of the date of enactment of the Transportation Equity Act for the 21st Century (Public Law 105–178), the Veterans Benefits Act of 1998 (subtitle B of title VIII of the Transportation Equity Act for 21st Century) is repealed and shall be treated as if not enacted.

MCCAIN AMENDMENT NO. 3060

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 2168, supra; as follows:

On page 93, between lines 18 and 19, insert the following:

SEC. 423. (a) Each entity that receives a grant from the Federal Government for purposes of providing emergency shelter for homeless individuals shall—

(1) ascertain, to the extent practicable, whether or not each adult individual seeking such shelter from such entity is a veteran; and

(2) provide each such individual who is a veteran such counseling relating to the availability of veterans benefits (including employment assistance, health care benefits, and other benefits) as the Secretary of Veterans Affairs considers appropriate.

(b) The Secretary of Veterans Affairs and the Secretary of Housing and Urban Development shall jointly coordinate the activities required by subsection (a).

(c) Entities referred to in subsection (a) shall notify the Secretary of Veterans Affairs of the number and identity of veterans ascertained under paragraph (1) of that subsection. Such entities shall make such notification with such frequency and in such form as the Secretary shall specify.

(d) Notwithstanding any other provision of law, an entity referred to subsection (a) that fails to meet the requirements specified in that subsection shall not be eligible for additional grants or other Federal funds for purposes of carrying out activities relating to emergency shelter for homeless individuals.

ADDITIONAL STATEMENTS

REAUTHORIZING THE OFFICE OF THE DRUG CZAR

● Mr. WYDEN. Mr. President, for the past two weeks I have been working with Senator GORDON SMITH, Senator BIDEN and others to reach an agreement so that the legislation reauthorizing the office of the so-called Drug Czar, H.R. 2610, can move forward. I do not object to the reauthorization, but have been prevented from offering an amendment to the measure and will not give my consent to adoption of the Drug Czar bill until we have reached agreement on my amendment. The amendment I wish to offer is bipartisan legislation Senator GORDON SMITH and I have sponsored in response to the gun violence that struck Thurston High School in Springfield, Oregon. The bill, S. 2169, would provide an incentive for states to enact a 72-hour holding period for students that bring guns to schools so that the students who bring guns to school may be fully and thoroughly evaluated by professionals. The President has endorsed our proposal, and it is my hope that we can reach a consensus that allows the Senate to pass both the Drug Czar measure and the Wyden-Smith bill.●

TRADE LAW ENFORCEMENT IMPROVEMENT ACT OF 1998

● Mr. ABRAHAM. Mr. President, on Friday, June 26th, the day the Senate adjourned for the July 4th recess, I introduced the Trade Law Enforcement Improvement Act of 1998. This bill would clarify an ambiguity in an important U.S. antitrust law and thereby ensure that U.S. law will be effectively utilized to combat anticompetitive foreign cartels, acts, and conspiracies designed to unfairly exclude American products from overseas markets.

The principal aim of my bill is to codify the U.S. Department of Justice's (DOJ) current—and correct—interpretation of the Foreign Trade Antitrust Improvements Act of 1982 (FTAIA) which is currently embodied in Footnote 62 of the International Antitrust Guidelines. This footnote makes it clear that there are no unnecessary jurisdictional obstacles to challenging anticompetitive acts and conspiracies that take place outside our borders.

The FTAIA authorized the U.S. to assert jurisdiction over anticompetitive conduct abroad that has a ''direct, substantial and reasonably foreseeable'' effect on export trade or commerce or those engaged in export trade or commerce with foreign nations. However, in 1998 DOJ issued International Enforcement Guidelines which included Footnote 159, a new interpretation of FTAIA confining U.S. enforcement efforts solely to anticompetitive conduct that affected U.S. consumers, without regard to its effect on U.S. exporters. Specifically, the footnote announced that henceforth ''the Department [would be] concerned only with adverse effects on competition that would harm U.S. consumers * * *.''

Fortunately, in 1992, DOJ announced that Footnote 159 would be superseded by a policy which recognized that harm to U.S. exporters was sufficient to trigger an antitrust enforcement action regardless of whether there were harmful effects on U.S. consumers. Thus, the interpretation was revised to affirmatively permit DOJ to enforce ''our antitrust laws against anticompetitive practices that harm U.S. commerce.'' That interpretation now appears in Footnote 62 of the current International Enforcement Guidelines.

While the correction to Footnote 159 was drafted by Assistant Attorney General Jim Rill in the Bush Administration, it is important to note that it has been fully endorsed by the Clinton Administration. Assistant Attorneys General Rill, Bingaman, and Klein should all be recognized and commended for their strong leadership in strengthening international antitrust enforcement and for bringing cases under the authority of the FTAIA.

Let me describe why this provision in our trade law is so important and why it is crucial that it be properly interpreted and enforced.

The opening of global markets has advanced America's current economic prosperity, but it also poses fundamental challenges for U.S. antitrust laws. One example is the U.S. flat glass industry. For the better part of a decade, America's leading flat glass producers have been seeking access to the Japanese market, the largest and richest in Asia. American companies are already leaders in producing and selling high-quality innovative glass products around the world. U.S. firms have been very successful in Europe, Asia, the Middle East, and Latin America—but not yet Japan. The fact is that securing effective distribution channels for American glass has not proved to be a significant barrier to entry in any country other than Japan.

It is not for a lack of trying. In 1992, President Bush and Japanese Prime Minister Miyazawa negotiated an agreement in which Japan committed that the Japan Fair Trade Commission (JFTC) would study anticompetitive practices in the flat glass sector. For over a quarter-century, the Japanese market has been controlled by a cartel, consisting of the three leading Japanese producers—Asahi, Nippon, and Central. Because of the cartel, market shares for the three companies have been remarkably constant: Asahi has had a 50% market share, Nippon has had 30%, and Central has had 20% for nearly three decades, while other major markets in Europe and North America have undergone dramatic competitive shifts.

When the JFTC, one year later, issued its report, it found a long-standing history of anticompetitive practices in the Japanese flat glass industry, but concluded that enforcement action was ''inappropriate.''

In 1995, the Clinton Administration concluded a new trade agreement in the U.S.-Japan Framework talks. Japan committed to ''deal with structural and sectoral issues in order substantially to increase access and sales of competitive foreign goods and services.'' For their part, Japanese flat glass manufacturers and distributors pledged publicly that the market would be open on a non-discriminatory basis for competition by all suppliers, foreign and domestic alike. It was agreed that the U.S. and Japanese Governments would jointly monitor progress to verify that Japanese distributors would deal in imported glass, ''recognizing that token dealings or use does not demonstrate diversification of supply sources.''

So what happened? Trade agreements have done nothing to shake the glass cartel's stranglehold on Japan's distribution system. Instead, despite a remarkable series of U.S.-Japan trade agreements, commitments, and undertakings, the market share of U.S. producers has increased from 1.0% to 1.5%, even though imported foreign-affiliated glass costs about 30% less. In short, despite years of intensive efforts by U.S. negotiators, an illegal cartel continues to control the Japanese glass market to the exclusion of U.S. producers.

Two weeks ago, Deputy U.S. Trade Representative Richard Fisher presented the latest U.S. proposal to the Government of Japan. The proposal was drafted by the Antitrust Division of DOJ. USTR is asking the Japanese Government to establish antitrust-type compliance plans for its glass sector that would be modeled on the compliance plans currently in effect at most major U.S. corporations. In other words, we are not asking anything from Japanese companies that we do not already expect of U.S. companies. But reportedly senior Japanese officials flatly rejected the U.S. proposal, making it clear that they have little regard for robust compliance plans that would deter anticompetitive conduct on the part of management and sales personnel.

Mr. President, it is precisely such intractable trade disputes that the FTAIA was intended to address, and it is vital that we make use of the one instrument we currently have at our disposal to rectify such problems. Given the confusion and uncertainty that has surrounded this provision of our antitrust trade law due to the conflicting interpretations that various administrations have attached to it, it is important for us to eliminate any vestige of ambiguity that may still remain even after we have gone back to its original interpretation.

By clarifying the jurisdictional requirements of the FTAIA, it is my hope that we can encourage DOJ and injured U.S. industries to make broad use of this important power by challenging cartels, such as those blocking distribution of U.S. flat glass in Japan, in the U.S. courts, before U.S. juries, under U.S. law. My bill makes simply a straightforward point: anticompetitive foreign cartels and conspiracies are subject to U.S. antitrust laws, and foreign companies who engage in such activities will be held accountable and dealt with accordingly. We must ensure that American firms and workers have a timely and effective remedy against those who would engage in anticompetitive acts designed to exclude American products or services from the international marketplace.

Mr. President, I ask that the text of the bill be printed in the RECORD, and I urge my colleagues to review this legislation and to cosponsor and support it.

The text of the bill follows:

S. 2252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trade Law Enforcement Improvement Act of 1998.''.

SEC. 2 AMENDMENTS.

(a) AMENDMENT OF THE SHERMAN ACT.—Section 7 of the Sherman Act (15 U.S.C. 6a) is amended by striking the period at the end and inserting the following: ''and without regard to the effect of such conduct on consumers in the United States. A determination of whether the effects of such conduct is substantial may be made solely with reference to the product or type of product affected by the conduct and the geographical area in which the conduct occurs.''.

(b) AMENDMENT TO THE FEDERAL TRADE COMMISSION ACT.—Section 5(a)(3) of the Federal Trade Commission Act (15 U.S.C. 45(a)(3)) is amended by striking the period at the end and inserting the following: ''and without regard to the effect of such methods of competition on consumer in the United States. A determination of whether the effect of such methods of competion is substantial may be made solely with reference to the product or type of product affected by such methods of competition and the geographical area in which such methods of competition occur.''.●

STROM THURMOND DEFENSE AUTHORIZATION BILL

● Mr. DODD. Mr. President, I rise to commend the Chairman and Ranking Member of the Senate Armed Services Committee for their fine work on the Strom Thurmond Defense Authorization Bill which passed the Senate by a vote of 88–4 on June 25th of this year. The nearly unanimous support by this body for this $270 billion authorization bill is a real tribute to their diligence and foresight.

This bill will deservedly bear the name of my good friend Chairman THURMOND in recognition of his lifelong commitment to the defense of this nation. Some may think that the Chairman s devotion to national defense began with his assignment to the Armed Services Committee some forty years ago, but they would be mistaken. In fact, Senator THURMOND joined the Army reserves in 1924. Shortly after the United States declared war against Imperial Japan and Nazi Germany in 1941, at the age of 39, Senator THURMOND resigned his judgeship and joined the Army. As a member of the elite 82nd Airborne Unit, he worked behind enemy lines in advance of the D-Day invasion force which landed 54 years ago this month. He won a Legion of Merit and rose to the rank of Major General in the Army Reserve. So Senator THURMOND has not only played a major role in developing national defense policy, but he has literally stood at the vanguard in the defense of this nation.

The bill bears the imprint of his strong commitment to the national defense. In addition to procuring world-class weapons systems and preserving troop readiness, the bill includes a 3.6% pay increase for our soldiers, sailors, airmen and marines. The men and women who serve on the front lines deserve that increase for their determination and commitment in defending this nation.

For the retirees who served in the Armed Forces for most of their lives, this bill includes three health care demonstration projects. The goal is to provide the best possible health care to the protectors of this nation by eliminating the weaknesses of the present system.

The bill provides $2.7 billion for the second New Attack Submarine which will be built by Electric Boat and Newport News Shipbuilding. These two shipyards, the finest in the nation, will continue to build the world s most capable submarines.

I am concerned, however, by reports that the Navy's strength may drop below 300 ships and the attack submarine force below 50 submarines. Recent events in the Persian Gulf and on the Indian subcontinent should serve as reminders that we face an uncertain future. We must not allow ourselves to be lulled into a false sense of security that would have us cut the number of submarines to less than half of Cold War levels. After all, a couple of submarines can cut off the world's supply of oil from the Persian Gulf. We have worked too hard during two world wars and the Cold War to let our guard down now, and I believe we must remain vigilant.

The Senate Armed Services Committee deserves praise for adding eight UH–60 Blackhawk helicopters to the President's request for a total of 34 Blackhawk-type helicopters. Four of these versatile aircraft will be delivered to the Navy, twelve will be delivered to the Army, and eighteen will go to the National Guard. Most of the Blackhawks will replace Vietnam-era Huey helicopters that cannot meet everyday commitments. I hope that we will see a larger request from the President next year in recognition of the needs of all three services.

Finally, this bill fully funds other vitally important defense programs, including the Comanche helicopter, the C–17 cargo aircraft, the F–22 fighter and the JSTARS aircraft. These systems will be elements in this nation's